

Message Text

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TO SECSTATE WASHDC P4258

INFO AMEMBASSY KATHMANDU

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UNCLAS NEW DELHI 5427

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SUBJECT: NEW AGREEMENT ON SIKKIM

1. THE FOLLOWING IS THE TEXT OF A NEW AGREEMENT ON SIKKIM WHICH
THE MINISTRY OF EXTERNAL AFFAIRS RELEASED AFTERNOON, MAY 9.
WE WILL SEND OUR COMMENT BT SEPTEL TOMORROW.

2. BEGIN TEXT:

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA,
THE CHOGYAL OF SIKKIM AND THE LEADERS OF
THE POLITICAL PARTIES OF SIKKIM

WHERE THE CHOGYAL AND THE PEOPLE OF SIKKIM ARE
CONVINCED THAT THEIR INTEREST AND THE LONG- TERM INTEREST
OF SIKKIM AS A WHOLE CALL FOR:

(1) THE ESTABLISHMENT OF A FULLY RESPONSIBLE
GOVERNMENT IN SIKKIM WITH A MORE DEMOCRATIC
CONSTITUTION, THE GUARANTEE OF FUNDAMENTAL
RIGHTS, THE RULE OF LAW, AN INDEPENDENT JUDICIARY, AND GREATER
LEGISLATIVE AND EXECUTIVE POWERS FOR THE ELECTED REPRESENTATIVES
OF THE PEOPLE;
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(II) A SYSTEM OF ELECTIONS BASED ON ADULT SUFFRAGE WHICH WILL
GIVE EQUITABLE REPRESENTATION TO ALL SECTIONS OF THE PEOPLE ON
THE BASIS OF THE PRINCIPLE OF ONE MAN ONE VOTE;
(III) THE STRENGTHENING OF INDO- SIKKIM COOPERATION AND
INTER- RELATIONSHIPS; AND

WHEREAS THE CHOGYAL AS WELL AS THE REPRESENTATIVES OF THE PEOPLE
HAD REQUESTED THE GOVERNMENT OF INDIA;

(I) TO TAKE RESPONSIBILITY FOR THE ESTABLISHMENT OF LAW AND ORDER
AND GOOD ADMINISTRATION IN SIKKIM FOLLOWING THE BREAKDOWN OF ALL
THREE;
(73.

THE TANZANIAN MAINLAND GOVERNMENT HAS ANNOUNCED THAT IT WILL
DISREGARD ANY VERDICT PASSED BY THE ZANZIBAR COURTS ON THE 18
MAINLAND DETAINEES AND WILL TRY THESE PEOPLE IN ITS OWN COURTS.

COMMENT:

DESPITE A PROLONGED PERIOD OF NEGOTIATION BETWEEN THE
TANZANIAN AND MAINLAND GOVERNMENTS, IT IS APPARENT THAT EFFORTS
TO REACH AGREEMENT ON CUSTODY AND TRIAL OF THE MAINLAND DETAINEES
FAILED. THE MAINLAND'S ARGUMENT AND ANNOUNCEMENT
TO THE PRESS THAT IT REFUSED TO TURN ITS DETAINEES OVER
TO ZANZIBAR BECAUSE OF ZANZIBAR'S REFUSAL TO ALLOW DEFENSE
COUNSEL OR TO PROVIDE THE RIGHT OF APPEAL IS DECIDEDLY
DAMAGING TO ZANZIBAR'S IMAGE. ZANZIBAR LAW PRECLUDES THESE
RIGHTS AND IT IS DOUBTFUL THAT THE ZANZIBAR GOVERNMENT WOULD HAVE
CONSIDERED CHANGING THEM FOR THE BENEFIT OF DEFENDENTS CHARGED
WITH TREASON. IT IS ALSO CLEAR THAT THE ZANZIBAR GOVERNMENT
FEELS THAT THE MAINLAND DETAINEES PLAYED A SIGNIFICANT ROLE IN
THE PLOT AND THAT THE ZANZIBAR COURTS SHOULD HAVE JURISDICTION
OVER PERSONS HELD WITHIN THE TANZANIAN UNION FOR ALLEGED
COMPLICITY IN CRIMES COMMITTED IN ZANZIBAR AGAINST THE ZANZIBARI
PEOPLE.
ROGERS

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